

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

FRED L. BADGER,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00653

SOUTH CENTRAL REGIONAL JAIL, et al.,

Defendants.

and

FRED L. BADGER,

Plaintiff,

v.

CIVIL ACTION NO. 2:19-cv-00623

SOUTH CENTRAL REGIONAL JAIL, et al.,

Defendants.

**ORDER**

Pending before the Court is Defendant Superintendent Craig Roberts's Motion to Dismiss. (ECF No. 10.) By standing order entered on January 4, 2016, and filed in this case on September 11, 2019, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley entered his PF&R on July 19, 2021, recommending this Court grant the Motion to

Dismiss and otherwise dismiss this consolidated action for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No. 14.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on August 5, 2021. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 14), and **GRANTS** the Motion to Dismiss, (ECF No. 10). The Court further **DISMISSES** this consolidated action for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 31, 2021



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THOMAS E. JOHNSTON, CHIEF JUDGE